

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case Number 87-10338-BC  
Honorable Thomas L. Ludington

REAL PROPERTY IN SECTION 9,  
TOWN 29 NORTH, RANGE 1 WEST,  
TOWNSHIP OF CHARLTON,  
OTSEGO COUNTY, MICHIGAN,

Defendants,

DANIEL S. GAHAGAN,

Claimant.

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**ORDER OVERRULING CLAIMANT'S OBJECTIONS**

This matter is before the Court on the government's proposed final judgment of forfeiture and claimant Daniel Gahagan's commentary and objections to that document. Gahagan complains that the government's proposal is "filled with erroneous and inaccurate declarations that are contrary to the holdings of Judge Churchill, Magistrate Binder, Judge Cleland, Judge Lawson, and this Court." Gahagan Objs at 1. He reiterates his belief that he is entitled to damages as a matter of law because he never received a pre-seizure hearing as contemplated by *United States v. James Daniel Good* and as codified in CAFRA. He also maintains that he is possess an ownership interest in the mineral rights on the property. The Court has reviewed Gahagan's submissions and concludes that he advances arguments addressed and resolved at various stages in the litigation. In the Court's view, all issues in the case have been resolved and further motion practice is unnecessary. A final judgment of forfeiture as modified by the Court shall enter.

Finally, the government proposes in its draft judgment that it file a motion for costs seeking, among other things, reimbursement for an expert that it retained, appropriately, to address Gahagan's due process challenges. The Court believes that such a motion is unnecessary. There is no justification in the lengthy record for an award of costs against either side.

Accordingly, it is **ORDERED** that Gahagan's objections [dkt # 858] are **OVERRULED**.  
A final judgment shall enter.

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge

Dated: August 10, 2007

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on August 10, 2007.

s/Tracy A. Jacobs  
TRACY A. JACOBS